

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:15-cv-00016-MR-DLH**

KRISTIN PARKER, )  
                        )  
Plaintiff,         )  
                        )  
vs.                 )         **ORDER OF REMAND**  
                        )  
                        )  
TRANSYLVANIA COUNTY,     )  
TRANSYLVANIA COUNTY ANIMAL )  
CONTROL, PAUL VIS, DAVID )  
BLACKWELL, ERIC OWEN,     )  
CHARLES BYRD, and JOHN/JANE )  
DOE,                 )  
                        )  
Defendants.         )  
                        )

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**THIS MATTER** is before the Court on the Defendants' Motion to Dismiss [Doc. 2], the Plaintiff's Amended Complaint [Doc. 3], and the Plaintiff's Motion to Remand [Doc. 4].

The Defendants removed this action on January 29, 2015 on the basis of federal question jurisdiction. [Doc. 1]. On February 2, 2015, the Defendants moved to dismiss the Plaintiff's action pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. [Doc. 2]. On February 13, 2015, the Plaintiff filed an Amended Complaint, eliminating the sole claim which

formed the basis for federal question jurisdiction.<sup>1</sup> [Doc. 3]. The Plaintiff now moves to remand this action. [Doc. 4]. The Defendants do not oppose the Plaintiffs' request for remand. [Id.].

In light of the Plaintiff's filings, the Court hereby enters the following Order.

**ORDER**

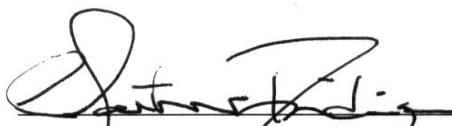
**IT IS, THEREFORE, ORDERED** that the Defendants' Motion to Dismiss [Doc. 2] is **DENIED AS MOOT**.

**IT IS FURTHER ORDERED** that the Plaintiff's Motion to Remand [Doc. 4] is **GRANTED**, and this action is hereby **REMANDED** to the Transylvania County General Court of Justice, Superior Court Division.

The Clerk of Court is respectfully directed to provide a certified copy of this Order to the Transylvania County Superior Court Clerk.

**IT IS SO ORDERED.**

Signed: February 16, 2015



Martin Reidinger  
United States District Judge



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<sup>1</sup> The Plaintiff filed her Amended Complaint pursuant to Rule 15(a)(1)(B) of the Federal Rules of Civil Procedure, which allows a plaintiff to file an amended complaint once as of right within twenty-one days of service of a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b).